

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN BREWER,)
Petitioner,)
v.) No. 4:24-CV-01312 ACL
JUSTIN PAGE,)
Respondent.)

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for extension of time file an amended petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 and pay the filing fee in this action. [ECF No. 4]. After reviewing petitioner's motion, the Court will grant petitioner a thirty (30) day extension of time. The Court will also instruct the Clerk to provide petitioner a new copy of the Court form for filing a motion to proceed in forma pauperis, the Court form for filing his habeas corpus petition and a copy of his original petition filed in this matter.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for an extension of time to file his amended petition for writ of habeas corpus and pay the filing fee in this action [ECF No. 4] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to mail to petitioner a copy of the Court's forms: "Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" and "Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases."

IT IS FURTHER ORDERED that the Clerk shall provide petitioner with a copy of his original petition in this matter [ECF No. 1] so that he may use it for reference in filing his amended petition.

IT IS FURTHER ORDERED that petitioner shall file a signed amended petition on the Court-provided form within thirty (30) days of the date of this Order. Petitioner is advised that his amended petition will take the place of his original petition and will be the only pleading that this Court will review.

IT IS FURTHER ORDERED that petitioner shall either pay the \$5 filing fee or submit the "Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases" within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 23rd day of October, 2024.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE